

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 13

Joseph and Sosamma Abraham

Case No.: 12-24153 (RDD)

Debtors.

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**AMENDED ORDER VOIDING MORTGAGE LIEN OF HSBC BANK AND
RECLASSIFYING CLAIM NO. 6**

Upon the motion, dated March 7, 2013 (the “Motion”), of the above debtors (the “Debtors”), for an order determining that the junior mortgage lien held by HSBC Bank (with any subsequent successor or assign, the “Creditor”) under loan number xxxx- 3948 on the Debtors’ property located at **16 Forrest Court, Valley Cottage, NY 10989; Tax Map Designation 109/ 15/ 41** (the “Property”) is void as being wholly unsecured under 11 U.S.C. §§ 506(a) and 1322, and reclassifying the secured Claim No. 6 of the Creditor in this case based on such lien as an unsecured claim; and it appearing that due and sufficient notice of the Motion and the hearing thereon was provided; and there being no opposition to the requested relief; and upon the record of the April 24, 2013 hearing on the Motion; and, after due deliberation, it appearing that the amount of the senior debt secured by the Property exceeds the value of the Property and that there is no collateral value in the Property to secure the Debtors’ obligations to the Creditor under the Creditor’s junior mortgage on the Property, the Court granted the Motion by order dated June 4, 2013 [Doc. # 33] (the “June Order”); and counsel for the Debtors having informed the Court that the County Clerk has been unwilling to comply with the June Order because of information that

is missing from such Order; and good and sufficient cause appearing to amend the June Order to provide such information, it is hereby ORDERED that

1. The Motion is granted and the June Order is amended as provided herein.
2. Any claim timely filed by or on behalf of the Creditor against the Debtors and the Debtors' estate in this case based on its junior lien on the Property (including Claim No. 6) shall be treated as wholly unsecured.
3. The wholly unsecured lien of the Creditor's junior mortgage on the Property is declared void (see In re Pond, 252 F.3d 122 (2d Cir. 2001)), subject to the Creditor's rights under 11 U.S.C. § 363(k) and its right to such lien's reinstatement upon any dismissal or conversion of the Debtors' chapter 13 case prior to the performance of the Debtors' chapter 13 plan voiding such mortgage under 11 U.S.C. § 1322(b)(2).
4. The Clerk of the County of Rockland, New York shall mark on its records that the Creditor's junior mortgage on the Property, recorded under **Instrument Number 2007-00041548** (with any prior or subsequent successor or assign) is void pursuant to Bankruptcy Court Order, subject to the lien's reinstatement upon any dismissal or conversion of the Debtors' chapter 13 case prior to the performance of the Debtors' chapter 13 plan voiding such mortgage under 11 U.S.C. § 1322(b)(2); provided, that the Debtors may in the alternative record a copy of this Order with the Clerk of the County of Rockland, New York to provide such notice.
5. Notwithstanding any other provision of this Order, this Order shall remain effective if the above-captioned case is converted to a case under chapter 11.

Dated: White Plains, New York
November 19 , 2013

/s/Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE